

## **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Jennifer Meade, individually, on behalf of  
all others similarly situated, and on behalf  
of the general public

Plaintiff,

v.

Advantage Sales & Marketing, LLC,  
Retail Store Services, LLC, and  
KSRSS, Inc.

Defendants.

Case No.: C-07-5239-SI

**NOTICE OF OVERTIME LAWSUIT**

**THIS NOTICE AND ITS CONTENT HAS BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, THE HONORABLE SUSAN ILLSTON, U.S. DISTRICT JUDGE. THE COURT HAS TAKEN NO POSITION REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR OF DEFENDANTS' DEFENSES.**

**INTRODUCTION**

The purpose of this notice is to inform you of a collective action lawsuit in which you are potentially "similarly situated" to the named Plaintiff, to advise you of how your rights may be affected by this action, and to instruct you on the procedure for participating in this action.

**DESCRIPTION OF THE LAWSUIT**

The named Plaintiff brings this action against Retail Store Services LLC, and KSRSS, Inc., formerly known as Retail Store Services, Inc., ("Defendants") on behalf of herself and all other individuals who worked as merchandising representatives for Retail Store Services LLC or Retail Store Services, Inc., and who were classified as exempt employees under the Fair Labor Standards Act during the past three years. Specifically, this action alleges that these individuals are owed overtime pay under the Fair Labor Standards Act ("FLSA") 29 U.S.C. § 201, et seq., for work they performed in excess of forty (40) hours per work week.

Defendants deny any wrongdoing or liability and contest all claims that have been asserted. Specifically, Defendants claim that Plaintiff and all other merchandising representatives were properly classified as "exempt" employees and were properly paid for all hours worked and therefore are not owed overtime pay under the FLSA.

**YOUR RIGHT TO MAKE A CLAIM IN THIS ACTION**

The named Plaintiff alleges that during the last three years she was employed by Defendants Retail Store Services, Inc., and Retail Store Services LLC as a merchandising representative and classified as an exempt employee under the FLSA. She seeks to sue on behalf of herself and all other employees who meet the following requirements:

- (a) were employed by Retail Store Services, Inc. or Retail Store Services LLC as a merchandising representative and classified as an exempt employee under the FLSA in any location across the country at any time from October 12, 2004 to present;
- (b) worked more than forty (40) hours a week during that period without overtime compensation.

If you fit the definition above, you may make an overtime claim in this action by mailing, faxing, or emailing the attached Consent Form to Plaintiffs' Counsel for filing with the Court:

**Nichols Kaster & Anderson**

**Attn: Matthew Morgan**  
**4600 IDS Center, 80 South Eighth Street**  
**Minneapolis, Minnesota 55402**  
**Toll Free Telephone: (877) 448-0492 (no faxes to this number)**  
**Fax: (612) 215-6870**  
**Email: morgan@nka.com**

**The Consent Form must be post marked on or before [90 DAYS FROM THE DATE THE NOTICE IS MAILED BY PLAINTIFFS' COUNSEL] for you to make a claim in this case.**

**EFFECT OF JOINING OR NOT JOINING THIS LAWSUIT**

If you choose to join this action, you and Defendants will be bound by any ruling, judgment or settlement, whether favorable (e.g. an award for Plaintiff) or unfavorable (e.g. shared liability for payment of costs should Defendants prevail). If you choose not to join this action, you will not be affected by any ruling, judgment, or settlement, entered in this case, favorable or unfavorable. If you choose not to join this action you are free to take action on your own or do nothing at all.

If you are eligible and file a Consent Form, your continued right to participate in this action may depend upon a later decision by the Court that you and the Named Plaintiff are actually "similarly situated" in accordance with applicable laws and that it is appropriate for this case to proceed as a collective action.

**STATUTE OF LIMITATIONS**

The FLSA has a maximum statute of limitations of three years. If you choose to join this action, you may be able to recover damages if you were improperly denied overtime compensation only for overtime hours worked within two, and in some cases three years, of the date you filed a Consent Form. If you choose not to join this action some or all of your potential claims may later be barred by the applicable statute of limitations.

**NO RETALIATION PERMITTED**

The law prohibits retaliation against employees or former employees for exercising their rights under the FLSA. Therefore, Defendants are prohibited from retaliating against you in any manner because you choose to participate in this action.

**YOUR LEGAL REPRESENTATION IF YOU JOIN**

If you choose to make a claim in this case by filing a Consent Form, your interests will be represented by Plaintiffs' Counsel:

**Nichols Kaster & Anderson, PLLP**  
**Paul J. Lukas, Donald H. Nichols, Matthew H. Morgan and David C. Zoeller**  
**4600 IDS Center, 80 South 8<sup>th</sup> Street**  
**Minneapolis, Minnesota 55402**  
**Toll Free Telephone: (877) 448-0492; Website: [www.overtimecases.com](http://www.overtimecases.com)**

Plaintiffs' Counsel has taken this case on a contingency basis. They may be entitled to receive attorneys' fees and costs from Defendants should there be a recovery in Plaintiffs' favor. If there is a recovery, Plaintiffs' Counsel will receive a part of any settlement obtained or money judgment entered. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' Counsel will not seek any attorneys' fees from any of the Plaintiffs. The specific terms and conditions will be contained in a fee agreement separately entered into by Plaintiffs' Counsel and you if you decide to participate in this case.

---

**RSS PLAINTIFF CONSENT FORM**

---

I hereby consent to join the action against Retail Store Services LLC, and Retail Store Services, Inc. (now KSRSS, Inc.) (Defendants), as a Plaintiff to make a claim for overtime pay. During the past three years, I worked for Retail Store Services, Inc. and/or Retail Store Services LLC as a merchandising representative and was not paid for all my overtime hours worked.

<<NAME>>

<<ADDRESS>>

<<CITY>>, << STATE>> << ZIP>>

If any of the above information has changed, please update

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Best Telephone Numbers

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Emergency Contact (and phone number)

**Fax, Mail or Email to:**  
**Nichols Kaster & Anderson, PLLP**  
**Attn.: Matthew Morgan**  
**4600 IDS Center, 80 South Eighth Street,**  
**Minneapolis, Minnesota 55402-2242**  
**Fax: (612) 215-6870**  
**Toll Free Telephone: (877) 448-0492**  
**Email: Morgan@nka.com**  
**Web: www.overtimecases.com**